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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

June 9, 2000

Notice of Ex Parte Communication

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: MM Docket No. 99-339

Dear Ms. Salas:

Yesterday, Karen Fullum, Jack Goodman, Kelly Williams and the undersigned met with Eric Bash, Marcia Glauberman, Meryl Icove, William Johnson, Scott Marshall, Mary Beth Murphy, Robert Ratcliffe, Roy Stewart and Karen Peltz Strauss, to discuss various issues relating to the Commission's proposal to require broadcasters and other multichannel video programming distributors to provide video description services. We made the following points:

■ Section 713(f) of the Communications Act should be construed as authorizing the Commission only to conduct a study and issue a report with regard to video description. An examination of this section's text, legislative history and structure shows that Congress did not intend the Commission to mandate the provision of video description services. We also pointed out that construing Section 713(f) as authorizing only a study and report on video description avoided the constitutional concerns associated with forced speech.

■ We argued that the Commission has underestimated the technical difficulties and costs of providing described programming in an analog environment. In particular, we pointed out that the origination centers and distribution systems of the networks, as well as the studio and plant of local television stations, were generally not designed to support the three channels of audio needed to provide video description. To implement video description, networks and their affiliates would therefore be required to undertake extensive engineering upgrades. We contended that the Commission should not require broadcasters to spend substantial monies on their soon-to-be obsolete analog systems.

■ We also argued that the Commission is required to assess the costs and benefits of its video description proposals. We pointed out that, in addition to the engineering/technical costs, video description requirements would significantly affect the

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program production process and add to the cost of programming. We contended that the Commission may have overestimated both the audience that would benefit from video description and the degree to which they would benefit, and pointed out that the visually disabled community does not uniformly support mandating video description.

■ We also expressed concern that, although the ATSC digital television system provides for multiple audio services, there is no assurance that receiver manufacturers will actually implement this feature so that all digital televisions will fully support multiple audio channels. We therefore urged the Commission to focus on insuring the production of digital television receivers that will be able to support video description.

Please direct any questions concerning this matter to the undersigned.

Respectfully submitted,

Jerianne Timmerman

cc: Eric Bash
Marcia Glauberman
Meryl Icove
William Johnson
Scott Marshall
Mary Beth Murphy
Robert Ratcliffe
Roy Stewart
Karen Peltz Strauss